

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**RAYMOND JAMES INFALT,
Petitioner,**

v.

Case No. 11-C-01072

**STATE OF WISCONSIN, et al.
Respondents.**

DECISION AND ORDER

On November 21, 2011, Kenneth A. Kraucunas filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on behalf of Raymond James Infalt, who is currently incarcerated in Oshkosh Correctional Institution. Kraucunas is the only person who signed the petition. Rule 2(c)(5) of the Rules Governing § 2254 Cases requires that a petition for a writ of habeas corpus must “be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner under 28 U.S.C. § 2242.” While Kraucunas claims that he has a power of attorney to act on Infalt’s behalf, the petition does not include any written proof of this authorization. If Infalt intends to seek habeas relief, he must file a § 2254 petition signed under the penalties of perjury or signed by a person authorized to represent him. Any person signing the petition on his behalf must submit written proof of authorization to do so.

It is also important to note that a non-lawyer acting pro se generally cannot pursue claims in federal court on behalf of another person in a representative capacity. Simon v. Hartford Life, Inc., 546 F.3d 661, 664–65 (9th Cir.2008) (collecting cases). “In order to

effectively exercise the powers granted to him, the holder of a power of attorney may often need to retain counsel.” Estate of Keatinge v. Biddle, 316 F.3d 7, 13 (1st Cir. 2002).

THEREFORE, IT IS ORDERED that the petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**.

Dated at Milwaukee, Wisconsin, this 5th day of December 2011.

s/ _____
LYNN ADELMAN
District Judge